

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 19-cv-12736
)	Hon. Nancy G. Edmunds
v.)	Mag. Judge David R. Grand
)	
)	
CITY OF TROY, MICHIGAN)	
)	
Defendant.)	

STIPULATION AND ORDER TO RESOLVE
MOTION FOR ADDITIONAL RELIEF

The United States and the City of Troy (“Troy”) (together, the “Parties”), through this Stipulation and Proposed Order, agree to the following:

1. The United States’ Motion for Additional Relief Under Federal Rule of Civil Procedure 59(e) – ECF No. 57 – is withdrawn without prejudice.
2. Troy’s administrative officials shall recommend that the Troy Planning Commission and the Troy City Council approve a text amendment to the Zoning Ordinance that shall repeal the provisions of §§ 6.21(E)-(F) that impose 50-foot setbacks for all yards for places of worship and prohibit parking within those yards and which shall amend § 4.21 to allow places of worship as a permitted use in the CF zoning district. Within two (2) weeks of the signature date on this Order, Troy shall initiate the process to enact said amendment in accordance with the Michigan

Zoning Enabling Act, MCL 125.3101, *et seq.*, and Article 16 of the Troy Zoning Ordinance and shall make every effort to ensure that there are no delays in the process.

3. Within seven (7) days of the signature date on this Order, Troy shall annotate its Zoning Ordinance so that it states the following in bold and capitalized font in the margin next to §§ 6.21(E)-(F): **“ON 3/18/2022 A FEDERAL COURT RULED THAT §§ 6.21(E)-(F) ARE UNENFORCEABLE”**.

4. Within seven (7) days of the signature date on this Order, Troy shall annotate its Zoning Ordinance so that it states the following in bold and capitalized font in the margin next to § 4.21: **“ON 3/18/2022 A FEDERAL COURT RULED THAT PLACES OF WORSHIP ARE PERMITTED AS OF RIGHT IN THE CF DISTRICT”**.

5. Within seven (7) days of the signature date on this Order, Troy shall replace any public facing version of Troy’s Zoning Ordinance (on its website or otherwise) with the annotated copies.

6. Within seven (7) days of the signature date on this Order, Troy shall prominently place the following statement on its website (https://troymi.gov/departments/city_attorney/code_table_of_contents.php#outer-79): “On 3/18/2022, a federal court ruled that Zoning Ordinance §§ 6.21(E)-(F) are unenforceable against any religious assembly or institution and ruled that Zoning

Ordinance § 4.21 permits places of worship as of right in the Community Facilities district. The City must abide by the Court's order."

7. Troy shall maintain its Zoning Ordinance and website consistent with Paragraphs 3-6 unless and until it approves and enacts the zoning amendment or a similar amendment with the same substantive provisions as described in Paragraph 2.

8. If Troy fails to approve and enact the aforesaid zoning amendment or a similar amendment with the same substantive provisions as described in Paragraph 2 within five (5) months of the signature date on this Order, the United States may renew its Motion for Additional Relief Under Federal Rule of Civil Procedure 59(e) or move the Court to impose any remedy authorized by law or equity, including, but not limited to, findings of contempt, an order requiring specific performance, or an award of any damages, costs, and reasonable attorneys' fees that may have been occasioned by Troy's failure to perform. Troy agrees to waive all affirmative defenses, including the statute of limitations, when responding to any such motion. The Parties also agree that venue in this Court is appropriate.

SO ORDERED.

Dated: November 23, 2022

s/ Nancy G. Edmunds
NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

Respectfully Submitted,

For Plaintiff the United States:

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Dated: November 23, 2022

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Dated: November 23, 2022